

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

November 21, 2007

Charles R. Fulbruge III  
Clerk

---

No. 07-20364  
Summary Calendar

---

DTEX, LLC,

Plaintiff-Appellant

v.

BBVA BANCOMER, S.A.; GRUPO  
FINANCIERO BBVA BANCOMER;  
INSTITUCION DE BANCA MULTIPLE,

Defendants-Appellees

---

Appeal from the United States District Court  
for the Southern District of Texas, Houston

---

Before WIENER, GARZA, and BENAVIDES, Circuit Judges.

PER CURIAM:

Plaintiff-Appellant DTEX, LLC ("DTEX") appeals the district court's grant of a motion filed by Defendants-Appellees BBVA Bancomer, S.A.; Grupo Financiero BBVA Bancomer; Institucion de Banca Multiple ("Bancomer"), to dismiss DTEX's action on the basis of forum non conveniens in favor of a foreign forum, specifically, Mexico. DTEX is a South Carolina limited liability company; Bancomer is a Mexican banking corporation which is subject to the personal jurisdiction of the district court by virtue of its foreign

bank agency located in Houston, Texas. DTEX had formerly sued Bancomer in South Carolina, but that action was dismissed for lack of personal jurisdiction, prompting DTEX to file the instant action in the Southern District of Texas.

This controversy commenced in Mexico several years ago and involves competing claims to textile manufacturing equipment (on the proceeds of its sale) on which Bancomer held a security interest and DTEX claimed ownership through a foreclosure sale, both parties asserting superiority of their respective claims. The long, dramatic, and sordid history of the parties' efforts to prevail is laid out in detail in the district court's April 2007 Memorandum and Order. And, even this ongoing conflict's relatively small chapter in the Southern District of Texas has produced a record on appeal comprising fourteen volumes, illustrative of the extent of this international brouhaha.

The district court dismissed DTEX's lawsuit on grounds of forum non conveniens, and we are here today on DTEX's appeal of that order. We have reviewed it for abuse of discretion, the standard by which we review such an order.<sup>1</sup> It will become obvious to any reader of the district court's

---

<sup>1</sup> Piper Aircraft Co. v. Reyno, 454 U.S. 235, 257 (1981) ("The forum non conveniens determination is committed to the sound discretion of the trial court. It may be reversed only when there has been a clear abuse of discretion; where the court has considered all relevant public and private interests factors, and where its balancing of these factors is reasonable, its decision deserves substantial deference."); see also, McLennan v. Am.

Memorandum and Order that the facts and the law were considered in excruciating detail by that court before it granted its order, and that the court not only touched all the bases but exhaustively examined each. Our review of the record and the arguments advanced by the parties in their appellate briefs not only convinces us that there was no abuse of discretion by the district court, but that it committed no error under any standard of review. We are satisfied that nothing would be gained by our writing anything of substance on this matter in light of the trial court's thorough, clear and comprehensive exegesis on the subject of forum non conveniens. We therefore affirm the court's dismissal order for the reasons set forth in its analysis of the issues, adopt its Memorandum and Order by reference as the opinion of this court, and annex it hereto for the edification of our readers.

AFFIRMED.

---

Eurocopter Corp., 245 F.3d 403, 423 (5th Cir. 2001).